

June 6, 2005

Sunnyvale Planning Committee

Dear Sir or Madam:

On May 13, 2005 my wife and myself applied for a tree removal permit for a "female canary island palm tree" located on our front yard. We have quoted the following reasons for this request.

1. The tree's fallen fruit is a choking hazard. We have a 2-year-old toddler and 4 months old infant. Our toddler already is putting the fruits into his mouth.
2. Our backyard is not available for us to create a safe, secure and fun playground as we have a large pool there. As our house is a courtyard Eichler, we're hoping to create such a playground in the front yard.
3. The tree's roots are moving the concrete slabs of our patio. We are very concerned of the possibility of tree roots hitting the sewage line, which is also very near to the tree as well as shifting some of the slabs the house itself, is built upon.

After consideration, our request was denied for the following reasons (copy attached).

1. Routine pruning of the tree will reduce the amount of fruit and thus the choking hazard.
2. Tree removal in a case where the tree is healthy and does not pose a risk is allowed only to allow the enjoyment and economical use of the property.

We would like to appeal this decision. We do not believe that routine pruning will eliminate the danger. We cannot accept this as a solution. **We also believe that creating a safe and secure playground for our kids is indeed a major factor in our ability to enjoy our property.** For that we've attached a drawing of our front yard. The following is a description of that drawing.

At the bottom is our kitchen and our sliding door which opens into our patio area. The patio area is made of 10 concrete slabs, the 2 right ones close to the tree are already raised and moved by the tree's roots. This is the natural and only place for us to sit out or entertain during summer time. To the left there is the walkway leading from the door to our front yard to the house door. The external door is our safety guard and we've already installed an automatic closure mechanism to ensure our kids will not leave the premises, as well as latches on all other exits from the house.

As we would like to create a fun playground for our kids, one that we could watch and feel comfortable with, we plan on putting a swing set on our lawn. Considering the fact that swing set retailers (such as Toys R Us) and manufacturers indicate that a safety zone of at least 3' is required (some require 6'), our space is limited to about 8'x10' right now. However removing the tree would allow us to have a much larger space of about 20'x10'. There are no swing sets that fit into the currently available space, where if we remove the tree, there are several models that can easily fit.

The Sunnyvale code specifically allows for removing a tree if it "restricts the owners' ability to enjoy the reasonable use or economic potential of the property". Our only goal in removing this tree is to create this playground for our kids. This is a major issue for us to enjoy our property and therefore we believe we meet the criteria for removing the tree. Without this permit our ability to enjoy the property will be greatly affected.

- 2 -

One last remark: We love trees and would have been happy to keep it if it weren't our only option. We have considered removing the pool even, yet this is a very costly project, one, we cannot afford right now. We have no intention of destroying the tree and we will have it moved to another location.

Sincerely,

Ronen and Svetlana PERETS

Devonshire Way

